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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,872	02/12/2002	Yoshie Kanamori	100021-00069	2414

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EXAMINER

NGUYEN, LONG T

ART UNIT PAPER NUMBER

2816

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/072,872	Applicant(s) KANAMORI ET AL.	
	Examiner Long Nguyen	Art Unit 2816	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,5,6,8-20,22,24,25 and 27-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3,5,8-20,22,24 and 27-39 is/are allowed.
- 6) ☒ Claim(s) 6 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is responsive to the amendment filed on 7/10/06. Note that, the claim objections indicated in the last office action have been withdrawn based on applicant's amendment and persuasive argument.

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/10/06 has been entered.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 6 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 6, the recitation "wherein a gate width of said third transistor is smaller than a gate width of said fourth transistor" recited in claim 6 appears to be misdescriptive since, according to the disclosure, the above recitation only applies the embodiments of Figures 8, 9 and 13-17 (i.e., third transistor 3 having a smaller gate width than fourth transistor 30 in Figures 8, 9 and 13-17). However, the third transistor 3 in those Figures does not provides the

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function of supplying a minute current at a first level of the clock/control signal and a first drive current at a second level of the clock/control signal. Note that, independent claim 1 reads on the embodiments of Figures 26-32, wherein the third transistor transistors 30' provides both the minute current at a first level of the clock/control signal and the first drive current at a second level of the clock/control signal, the original disclosure does not disclose that, in Figures 26-32, the third transistor 30' having a smaller gate width than the fourth transistor 30. Clarification and/or appropriate correction is requested.

With respect to claim 25, the recitation "wherein a gate width of said third transistor is smaller than a gate width of said fourth transistor" is indefinite for the same reason as discussed in claim 6.

***Allowable Subject Matter***

5. Claims 1, 3, 5, 8-20, 22, 24 and 27-39 are presently allowed.

***Response to Arguments***

6. Applicant's arguments filed on 7/10/06 have been fully considered but they are not persuasive.

Applicant argues that "the features of claims 6 and 25 that the gate width of the third transistor is smaller than a gate width of the fourth transistor is clearly supported in the Specification in at least the material of lines 2-7 and 26-29 on page 14". However, this argument is not persuasive because the recitation recited on page 14, lines 2-7 and 26-29, is for the width of transistors 3 and 30 which are for the embodiments of Figures 8, 9 and 13-17. Clearly, in Figures 8, 9 and 13-17, the third transistor 3 in Figures 8, 9 and 13-17 does not provides the function of supplying a minute current at a first level of the clock/control signal and a first drive

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current at a second level of the clock/control signal. Note that, independent claims 1 and 17 read on the embodiments of Figures 26-32, wherein the third transistor transistors 30' provides both the minute current at a first level of the clock/control signal and the first drive current at a second level of the clock/control signal. However, the original disclosure does not disclose, in Figures 26-32, the third transistor 30' having a smaller gate width than the fourth transistor 30. Thus, claims 6 and 25 are misdescriptive.


### *Conclusion*

7. For claims 6 and 25, due to the indefiniteness set forth above, the indication for allowability of these claims are not appropriate at this time.

Any inquiry concerning this communication or earlier communications from the examiner should be directly to Examiner Long Nguyen whose telephone number is (571) 272-1753. The Examiner can normally be reached on Monday to Thursday from 8:00am to 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Callahan, can be reached at (571) 272-1740. The fax number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**LONG NGUYEN**  
**PRIMARY EXAMINER**